



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

News Media Information 202 / 418-0500
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FCC ANNOUNCES THE REAUTHORIZATION OF THE INTERGOVERNMENTAL ADVISORY COMMITTEE AND SEEKS NOMINATIONS

With this Public Notice, the Chair of the Federal Communications Commission (Commission) announces the reauthorization of the Intergovernmental Advisory Committee (IAC) and seeks nominations for membership. The IAC, comprised of fifteen representatives from local, state, and Tribal governments, advises the Commission on a range of telecommunication issues for which their governments share responsibility with the Commission. The term of operations of the reauthorized IAC will be two years, beginning not earlier than December 3, 2013, upon the expiration of the term of the current IAC, which will end December 2, 2013. There will be an option for reauthorization at the end of the two-year period, and the two-year term will commence with its first meeting.¹ Nominations are due 120 days from release, i.e., on or before **February 26, 2014**.

IAC BACKGROUND

The Commission in 1997 created the IAC, formerly known as the Local and State Government Advisory Committee (LSGAC), to “facilitate intergovernmental communication” and provide guidance to the Commission on telecommunications issues of interest to non-federal governments and the Commission.²

The IAC’s mission is to make recommendations to the Commission on the many telecommunications issues affecting local, state and Tribal governments that are within the jurisdiction of the Commission. These issues concern major Commission policy priorities such as expanding broadband adoption and deployment, especially in unserved and underserved rural areas and Tribal lands, strengthening public safety communications, streamlining facilities siting, while respecting public rights-of-way, and monitoring the transition from “legacy” telecommunications services such as time-division multiplexing (TDM) copper wireline service to wireless all-internet Protocol (IP) networks.³ The IAC is administered by the Office of Intergovernmental Affairs within the Consumer and Governmental Affairs Bureau.

¹ The IAC is authorized under Commission rules to operate for a two-year period following its first scheduled meeting. See 47 C.F.R. § 0.701(a).

² See *Adoption of Subpart G, Section 0.701 of the Commission’s Rules*, Order, 16 FCC Rcd 1183 (2001); 47 C.F.R. § 0.701(a).

³ IAC policy comments, reports and recommendations are available at:
<http://www.fcc.gov/encyclopedia/intergovernmental-advisory-committee-comments>.

IAC MEMBERSHIP

Pursuant to Section 0.701(b) of the Commission's rules, the IAC is composed of fifteen members (or their designated employees) as follows: 1) four elected municipal officials (city mayors and city council members); 2) two elected county officials (county commissioners or council members); 3) one elected or appointed local government attorney; 4) one elected state executive (Governor or Lieutenant Governor); 5) three elected state legislators; 6) one elected or appointed public utilities or public service commissioner; and 7) three elected or appointed Native American Tribal representatives.⁴ Individuals described in Section 0.701(b) of the Commission's rules may designate a government employee to represent them on the IAC and to attend meetings on their behalf, provided that they submit a designation letter that is accepted by the Chair of the Commission. However, to ensure compliance with the Unfunded Mandates Reform Act of 1995 (UMRA), which provides for an exemption from the Federal Advisory Committee Act (FACA) for certain intergovernmental groups, such designation letters must be from an appropriate "*elected* officer of State, local and Tribal Governments."⁵

To further ensure compliance with section 204(b) of UMRA, any nomination of *appointed* attorneys, commissioners or representatives (or the designated employees of such individuals) must be supported by a designation letter from an *elected* officer of a state, local or Tribal government, for whom such appointees will be serving in their official capacities.

The Chair of the Commission appoints IAC members through an application process initiated by a Public Notice, and selects a Chairman and a Vice Chairman to lead the IAC.⁶ The Chair may also appoint members to fill any vacancies and may replace an IAC member, at his or her discretion, using the appointment process.⁷ The Chair, or a Commissioner designated by the Chair, oversees the Committee's activities and serves as liaison between the IAC and the Commission.⁸ Nominees must be willing to serve for the full term that the IAC is authorized and attend four meetings per year in Washington, D.C. at their own expense.⁹ Members who fail to "attend a minimum of fifty percent of the IAC's yearly meetings . . . may be removed by the Chairman of the IAC for failure to comply with this requirement."¹⁰

⁴ See 47 C.F.R. § 0.701(b).

⁵ See 2 U.S.C. § 1534(b)(emphasis added). UMRA provides an exemption from FACA for intergovernmental communications involving meetings between Federal officials and Federal employees and "elected officers of State, local and Tribal governments (or their designated employees with authority to act on their behalf)" when such individuals act "in their official capacities." For that reason, an "appointed" officer (or the designated employee of such officer) may serve consistent with UMRA only if designated by an appropriate elected officer.

⁶ 47 C.F.R. § 0.701(b).

⁷ *Id.* See also, http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0514/DA-13-1092A1.pdf.

⁸ See 47 C.F.R. § 0.701(e).

⁹ See 47 C.F.R. §§ 0.701(b)-(c).

¹⁰ See 47 C.F.R. § 0.701(c).

Members will have an initial and continuing obligation to disclose any interests in, or connections to, persons or entities who are, or will be, regulated by, or who have interests before, the Commission.

IAC CANDIDATE EXPERTISE

The Commission is especially interested in candidates representing rural and Tribal areas and individuals with expertise in broadband deployment and adoption policy, rights-of-way, as well as public safety and homeland security matters. The Commission also seeks nominees recommended by organizations representing local, state or Tribal governments such as the National Association of Counties, the National Association of Regulatory Utility Commissioners, the National Association of State Utility Consumer Advocates, the National Association of Telecommunications Officers and Advisors, the National Conference of State Legislatures, the National Congress of American Indians, the National Governors Association, the National League of Cities, and the U.S. Conference of Mayors. Current IAC members may apply.

EXEMPTION FROM THE FEDERAL ADVISORY COMMITTEE ACT FOR “INTERGOVERNMENTAL COMMUNICATION”

Pursuant to the “intergovernmental communication” exemption of UMRA,¹¹ “the IAC is not subject to, and is not required to follow, the procedures set forth in the Federal Advisory Committee Act, 5 U.S.C. App. 2 (1988).”¹² Because the input that Congress sought to facilitate through the intergovernmental exemption is institutional in nature, the exemption covers federal communications with elected officials (or designated employees) involved in the governmental process at the state, local and Tribal levels. We clarify here that to be appointed to the IAC, under Commission rules, a member such as “an elected or appointed local government attorney” must be on the staff of the municipal or county government represented and be part of the governmental process.¹³ Our compliance with the requirements of section 204(b) of UMRA ensures that the IAC can continue to operate with the informality and flexibility that have proven so effective in the past and that inhere in its FACA-exempt status.

APPLICATIONS AND SELECTION

Nominees for IAC membership must submit their applications: (1) online via email; and/or (2) hardcopy via mail. Applications must be submitted *no later than one hundred and twenty (120) days after the release date of this Public Notice, i.e., on or before February 26, 2014*. Applications submitted via email must be sent to iac@fcc.gov. Hardcopy applications submitted via mail must be addressed to:

Attn: Carmen Scanlon, Attorney Advisor
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

¹¹ 2 U.S.C. § 1534(b).

¹² See 47 C.F.R. § 0.701(a). See also *supra* n.5.

¹³ 47 C.F.R. § 0.701(b).

The application does not require a particular format but must include the following information:

- Resume (including applicant's current position);
- Contact information (both email and mailing addresses, as well as telephone numbers);
- A brief description of the applicant's area of expertise and qualifications to serve on the IAC, including the applicant's experience with telecommunications issues affecting local, state, or Tribal governments; and,
- The position(s) that the applicant is applying for, i.e., elected municipal officials (city mayors and city council members); county officials (county commissioners or council members); elected or appointed local government attorney; elected state executive (Governor or Lieutenant Governor); elected state legislators; elected or appointed public utilities or public service commissioner; or elected or appointed Native American Tribal representatives.¹⁴

Once the Chair selects the members for the reauthorized IAC, the Commission will publish a Public Notice announcing appointments of the new membership and the date of the IAC's first meeting.

ACCESSIBLE FORMATS

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).

For further information, please contact: Gregory Vadas, Chief, Office of Intergovernmental Affairs, Consumer and Governmental Affairs Bureau, Federal Communications Commission, (202) 418-1798 (voice) or (202) 418-0432 (TTY), gregory.vadas@fcc.gov; or Stephen Klitzman, Deputy Chief, Office of Intergovernmental Affairs, Consumer and Governmental Affairs Bureau, Federal Communications Commission, (202) 418-1763 (voice) or (202) 418-0432 (TTY), steve.klitzman@fcc.gov.

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¹⁴ If an applicant potentially qualifies for more than one position on the IAC, he or she should specify which position they seek.